

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LLOYD LESLIE KINDRED,

No. 2:24-cv-1821 WBS AC P

Petitioner,

v.

ORDER

BRIAN D. PHILLIPS,

Respondent.

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 16, 2024, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 5. Petitioner filed objections to the findings and recommendations and a request for a certificate of appealability. ECF Nos. 6, 7.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 5) are adopted in full;
2. This action is dismissed without prejudice as second or successive;
3. Petitioner's motion for a certificate of appealability (ECF No. 7) is denied and the court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253; and
4. The Clerk of the Court is directed to close this case.

Dated: August 16, 2024

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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